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THE REAL PROPERTY ACT.  
To the Editor of the Herald.  
SIR.—As my object in the publication of my letters to Mr. Torrens in your journal was to lead to discussion, I have no right to complain of any of the comments made thereon by "Caveat" or myself, especially as they have all been made in a tone quite friendly to myself and to the general policy of the measure which I seek to improve. At the same time, I confess that I shrink from the interminable task of setting myself right on every point on which my views are controverted or misunderstood. Misunderstandings are, indeed, of the two, more annoying than opposing arguments, inasmuch as while the latter may be weighed in the balance (in which case I shall never grudge their prevalence whenever they fairly outweigh my own)—the former place me in the false position of apparent antagonism to my own opinions.

For the present, I will limit myself to two points, upon which I have been thus misunderstood:—one by yourself, in a recent leading article, and the other by "Caveat".  
In your own article you combated my argument in favour of the granting of precedence to the earlier dated of two conflicting certificates on the ground that it might lead to the unjust disposition of a person who had long occupied and improved land in ignorance of the prior certificate. If you will, however, refer to my letter you will find that not only the language of my proposed amendment, but the whole context of the accompanying paragraph applies to the protection of the priority in question expressly and exclusively to the person who has "held possession" in conformity with the title evidenced thereby.

I feel especially called on to make this explanation, because it disposes of the only point in which you express a difference of opinion with me.  
Your correspondent "Caveat" has raised several other questions, and has I think in some instances exaggerated difficulties. While in others he has attributed to the new system objections which are alike applicable to the existing law. I do not, however, now propose to enter into any general discussion upon the articles bearing his signature—but will limit myself to one particular in that published in your paper of this morning, wherein he attributes to me the assumption that section 122, which limits actions for compensation, relates to section 115, which refers to actions of ejectment. I do not think he will discover any such assumption in either of my letters.

Section 115 not only limits, but in general actually destroys, the remedy of ejectment, as against that class of bona-fide purchasers for whose special protection statutes of limitation are passed. The remedy substituted with a view to the indemnification (so far as it goes) of the plaintiff deprived of this action, is that to which section 122 applies. This substituted remedy being then the only matter left for discussion, I have applied to it certain argumentative considerations derived from the analogy of the Statute of Limitations and of the old law of non claim, with regard to ejectment. But it does not, therefore, follow that I assume the action of ejectment itself to be affected by section 122, either in giving six years time in those cases where it is thereby totally abolished, or in limiting it to six years in those exceptional cases in which it is thereby left to its operation.

As to any ulterior considerations founded on the proper construction of the Act in this particular, I will not at present enter upon them. My object now is merely to show that in this particular matter of the construction of the two sections 115 and 122, I agree with "Caveat," and that, as in your own case, an imaginary difference has been attributed to me by hasty misinterpretation.

In considering any points of real difference which may appear to be of importance, I shall be prepared to weigh every argument without any overbearing bias in favour of my own preconceived opinions, and with a sole regard to the merits of the question and the substantial amendment of the law.

I am, &c.,  
G. K. HOLDEN.

Sydney, 1st August.

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## THE SYDNEY MORNING HERALD, WEDNESDAY, AUGUST 8, 1864.

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